IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 16463 of 2003

Between:

B.V.S. Appalaraju, S/o. Kameswararao,
R/o. Visakhapatnam.

..... PETITIONER

AND

1 The District Collector,
Visakhapatnam.
2 The Mandal Revenue Officer, Kurmannapalem, Gajuwaka,
Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more in the nature of Writ of Mandamus declaring the action of the respondent in interfering the peaceful possession and enjoyment of the petitioner residential plot measuring 306 Sq. yards in Plot No.69, in S.No.111 situated in Kurmannapalem Village, Gajuwaka Mandal of Visakhapatnam.

Counsel for the Petitioner:SMT.D.PRASANNA KUMARI

Counsel for the Respondent Nos.1 and 2: G.P. FOR ASSIGNMENT

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.16463 OF 2003

ORDER:

The petitioner claims that plot No.69 admeasuring 306 Sq.yards, in S.No.111 of Kurmannapalem Village was given to petitioner under a certificate and thereafter his name was entered in adangal. It is his case that he could not construct house due to financial problem and that second respondent is trying to interfere with the possession of the petitioner. The petitioner therefore filed the present Writ Petition seeking a direction to the respondents not to interfere with the possession.

When the matter is called, learned counsel for the petitioner brought to the notice of this Court order of this Court in Writ Petition No.6712 of 2000, dt.17.12.2003. Said case relates to land allotted/given to three persons in the same survey number being S.No.111 of Kurmannapalem Village. There, the respondents, i.e., the District Collector, Visakhapatnam, and the Gajuwaka Municipality, contended that assignment/allotment given to petitioners was cancelled. Therefore, this Court disposed of the matter observing and directing as under.

> Therefore, the writ petition is disposed of directing that the Mandal Revenue Officer, Gajuwaka shall furnish a copy of the order dated 19.5.1999 cancelling the assignment in favour of V.Rajana Raju in respect of the land in Sy.No.111 of Kurmannapalem Village, if the petitioners approach him within

a period of two weeks from today together with a copy of this order. On being furnished a copy of the order dated 19.5.1999, it shall be open to the petitioners to prefer an appeal before the Revenue Divisional Officer, Gajuwaka against the same. If the appeal is presented within three weeks from the date of receipt of the copy of the order dated 19.5.1999, it shall be received as having been presented within the period of limitation. It shall be open to the petitioners to canvas all questions of fact and law before the appellate authority. *Status quo* as on today shall be maintained till the disposal of an application for interim orders by the appellate authority, provided the appeal is presented as indicated above. The appeal in turn shall be disposed of as early as possible and not later than three months from the date of presentation. No costs.

Following the above judgment, this Writ Petition is also disposed of in the above terms directing respondents to maintain status quo as on today.

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(V.V.S.RAO, J)

19.11.2004

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To

1 The District Collector,
Visakhapatnam.
2 The Mandal Revenue Officer, Kurmannapalem, Gajuwaka,
Visakhapatnam.

3 2 CCs to G.P. for Assignment, High Court Bldgs., Hyderabad (OUT)

4 2 CD copies